

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 5035 of 1987

For Approval and Signature:

Hon'ble MR.JUSTICE PRADIP KUMAR SARKAR

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1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge? : NO

AMARAGIRIS GOSAI

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 5035 of 1987
MR KS CHAUDHARI for Petitioner
Ms. B.R. Gajjar, Ld. AGP for Respondent No. 1
MR Kanabar for Respondent No. 2
RULE SERVED for Respondent No. 3
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CORAM : MR.JUSTICE PRADIP KUMAR SARKAR

Date of decision: 27/04/2000

ORAL JUDGEMENT

The petitioner is working as Warehouse Man,
Grade-II. He filed this writ petition for his promotion

to Warehouse Man, Grade-I. Learned counsel for the petitioner submitted that some juniors to the petitioner has been promoted to the post of Warehouse Man, Grade-I, thereby depriving the petitioner, though he is senior to them. This has caused injustice to the petitioner, and therefore he has filed present writ petition, claiming his promotion in the Grade of Warehouse Man, Grade-I atleast from the date on which his juniors have been promoted. It has been submitted by learned counsel of the petitioner that, he has indicated the names of some juniors to the petitioner in the writ petition, but the juniors who are alleged to have been promoted superseding the petitioner have not been made party in the present petition.

The claim of the petitioner is for his promotion on the ground that his juniors have been promoted. If any relief is granted to the petitioner, then by such order the juniors who have been promoted long back will be adversely affected. Unless the juniors are before this Court and are heard, I do not think any order adverse to them can be passed by this Court. Since the juniors who are alleged to have been promoted are not before this Court, I am of the view that the present writ petition should fail for non-joinder of those persons. On this ground alone this writ petition is not maintainable. Accordingly this writ petition is dismissed. Rule discharged. Interim relief granted shall stand vacated. I make no order as to costs.

Dt: 27-4-2000

(P.K. Sarkar, J)

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